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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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Plaintiff,	)	
	)	CIVIL ACTION NO.:
EBIN SOSA	)	
	)	
vs.	)	
	)	
Defendant,	)	
	)	
CITY OF CAMDEN,	)	
CAMDEN CITY POLICE DEPARTMENT,	)	COMPLAINT
CAMDEN COUNTY POLICE DEPARTMENT	)	
POLICE OFFICER CHRISTOPHER EIFE	)	
POLICE INVESTIGATOR E. RUIZ	)	
JOHN DOES 1-10, ABC CORPORATION	)	
1-10, individually, jointly, severally, and/or in	)	
the alternative	)	

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Plaintiff, EBIN SOSA, residing at 568 North 34<sup>th</sup> Street, City of Camden, County of Camden and State of New Jersey, by way of Complaint against the Defendant above, says:

**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. 1983, 1985, 1986 and 1988 and the First, Fourth and Fourteenth Amendments. Jurisdiction is founded on 28, U.S.C. 1331 and 1443(I)-(4), and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the pendent jurisdiction of this court to consider claims arising under state law, pursuant to Sec. 1367, to hear and decide and any and all claims arising under state law.

2. Prior to and within the proper time allotted, Plaintiff filed a Notice of Claim in compliance with New Jersey's Tort Claim Act.

At this time more than 30 days have elapsed and defendants have failed and refused to pay or adjust same.

3. Venue of this action is proper in the District Court of New Jersey as the City of Camden and the Camden County Police Department are principally based and have headquarters within the State of New Jersey, and within the area covered by the District Court of New Jersey.

4. The Plaintiff is a resident of the State of New Jersey.

5. The Defendant, City of Camden is a municipal corporation duly existing under the laws of the State of New Jersey.

6. The Defendants, City of Camden Police Department, Camden County Police Department were and are an agency of the City of Camden. Defendants Police officer Christopher Eiffe and Police Investigator E. Ruiz, are on information and belief, members of the City of Camden Police Department and/or Camden County Police Department, employed by the City of Camden and the City of Camden Police Department and/or Camden County Police Department

7. During all times mentioned in this complaint, the defendants were acting under color of law, to wit under color of the law includes the Constitution, statutes, ordinances, laws, rules, regulations, policies, customs and usages of the State of New Jersey and/or the City of Camden.

8. During all times mentioned in this complaint, the Defendants and each of them, separately and in concert, engaged in acts and omissions which constituted deprivation of the constitutional rights, privileges and immunities of the plaintiff, and while these acts were carried out under color of law, they had no justification or excuse in law, and were instead gratuitous, illegal, improper and unrelated to any activity in which law enforcement officers may appropriately and legally engage in the course of protecting persons and property or ensuring civil order.

9. Each of the Defendants at all times relevant to this action had the power and duty to restrain the other defendants and prevent them from violating the law and the rights of the Plaintiff, but which the defendants failed and refused to perform that duty or to restrain the other defendants, and hereby became a party to the injuries inflicted upon the plaintiff and acted in concert with the other to harm plaintiff.

#### **FIRST COUNT EXCESSIVE FORCE and/or ASSAULT**

1. Plaintiff repeats, reiterates and re-alleges each and every allegation of this complaint, paragraphs 1-9 above with the same force and effect as though they were set forth at length.

2. On or about the 11<sup>th</sup> day of January 2012, Plaintiff, EBIN SOSA, was present at the corner of 28<sup>th</sup> Street and Benson Street in the City of Camden, County of Camden and State of New Jersey.

3. At the aforementioned time and place, the Defendant, CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10 were police officers and/or employees, agents,

and/or servants of defendant, CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT were present at the corner of 28<sup>th</sup> Street and Benson Street in the City of Camden conducting an undercover drug investigation.

4. At the date and time aforesaid, defendants, CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10, without permission or license, thereupon physically assaulted plaintiff who was lawfully upon the scene; and/or utilized excessive force so as to proximately cause injuries and damages to plaintiff, EBIN SOSA, depriving Plaintiff of his civil rights and freedoms.

5. Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ, and JOHN DOES 1-10 and/or their agents, servants and employees jointly, severally and/or individually assaulted, injured, battered and/or deprived plaintiff, EBIN SOSA of his civil rights under the common law and statutory law and Constitution of the United States and the Constitution of the State of New Jersey, any and all of which caused plaintiff to sustain severe bodily injuries, physical, mental and emotional suffering.

6. Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and JOHN DOES 1-10 and/or their agents, servants and employees, jointly, severally and/or individually, intentionally, willfully and/or maliciously, assaulted, battered and injured plaintiff, used excessive and/or unreasonable force, and caused plaintiff to sustain severe physical emotional and psychological damages and caused plaintiff to be deprived of his civil rights.

7. As a direct and proximate result of the conduct of the defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ, and JOHN DOES 1-10 jointly severally and/or individually, plaintiff, EBIN SOSA was caused to sustain severe and grievous personal injuries of a permanent nature resulting in a permanent loss and limitation of use of a body function and system, and in the future will experience great pain and suffering as a result of said injuries. Plaintiff, EBIN SOSA has been and will in the future be compelled to expend great sums of monies in securing medical treatment in an effort to cure himself of said injuries.

WHEREFORE, the plaintiff, EBIN SOSA, demands judgment against the Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE, POLICE INVESTIGATOR E. RUIZ, and John Does 1-10, jointly, severally and or in the alternative for damages together with interest and cost of suit.

**SECOND COUNT**  
**NEGLIGENT FAILURE TO SUPERVISE**

1. Plaintiff, EBIN SOSA, repeats each and every allegation of paragraphs 1-9 and First Count and incorporates same herein as if repeated at length.

2. Defendants, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, the CITY OF CAMDEN and JOHN DOES 1-10 were negligent, careless and/or reckless in the performance of their duties and/or responsibilities; and such negligence, carelessness proximately caused plaintiff, EBIN SOSA to sustain severe and permanent bodily injury, physical and mental anguish, and caused Plaintiff to be assaulted against his will and in deprivation of his civil rights.

3. Defendant CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, the CITY OF CAMDEN and JOHN DOES 1-10 were negligent, careless and/or reckless in the supervision, control and/or training of police officers, employees, agents and/or servants so as to deprive plaintiff, EBIN SOSA of his constitutional rights, which proximately caused plaintiff to be assaulted and/or battered and to sustain severe and permanent injuries, mental and physical anguish and deprivation of civil rights.

4. As a result of the negligent, careless and/or reckless manner in which the defendants jointly, severally and/or individually, acted and/or failed to train, supervise or control employees and/or for the defendant's unreasonable conduct as set forth above, plaintiff, EBIN SOSA sustained severe and grievous personal injuries of a permanent nature resulting in a permanent loss of use of a body function and system, significant limitation of use of a body function and system, and in the future will experience great pain and suffering as a result of said injuries. Plaintiff, EBIN SOSA, has been and will in the future be compelled to expend great sums of monies in securing medical treatment in an effort to cure himself of said injuries. Plaintiff, EBIN SOSA was and in the future will be unable to perform his normal occupation.

WHEREFORE, Plaintiff, EBIN SOSA, hereby demands judgment against the Defendants, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT and the CITY OF CAMDEN, as aforesaid jointly, severally and/or individually, for damages, together with interest and costs of suit.

**THIRD COUNT**  
**FALSE ARREST**

Plaintiff, EBIN SOSA, repeats each and every allegation of paragraphs 1-9, First and Second, Counts and incorporates same herein as if repeated at length.

1. Without probable cause, defendants Officer CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10 illegally arrested and charged plaintiff.

2. The false arrest of plaintiff without probable cause or other wrongful acts conducted against plaintiff, by defendants constituted false arrest, in violation of plaintiff's rights secured by the Fourth Amendment to the U.S. Constitution and 42 U.S.C. 1983, to be free from unreasonable searches and seizures. Such actions were negligent, reckless, unreasonable and unauthorized as defendants had a duty to not falsely arrest plaintiff, which such false arrest was in violation of clearly established law.

3. Each of the defendant police officers involved in this illegal action knew or had reason to know, upon information and belief, that such violations were occurring, and had a realistic opportunity, upon information and belief, to intervene to prevent such violations from occurring.

4. As a consequence of defendants, Officer CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10 wrongful actions, negligent behavior and violation of Federal and State Law, plaintiff was falsely arrested and deprived of his freedom for a period of time, and suffered physical and emotional injuries, and was subjected to great fear and terror, and has continued to suffer physical pain and impairment, as a result of the aforesaid conduct by defendants, Officer CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10.

WHEREFORE, the plaintiff, EBIN SOSA, demands judgment against the Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE, POLICE INVESTIGATOR E. RUIZ, and John Does 1-10, jointly, severally and or in the alternative for damages together with interest and cost of suit.

**FOURTH COUNT**  
**FALSE IMPRISONMENT**

1. Plaintiff, EBIN SOSA, repeats each and every allegation of paragraphs 1-9, First, Second and Third, Counts and incorporates same herein as if repeated at length.

2. The Accusations and charges against plaintiff were false. The False arrest and detention of plaintiff resulted in false imprisonment as well wherein Plaintiff was detained, in custody and incarcerated for a considerable period of time.

3. Such false imprisonment was illegal and was in violation of plaintiff's rights as secured under the Fourth Amendment to the United States Constitution and 42 U.S.C. 1983. Such actions were negligent, reckless, and unauthorized as defendants had a duty to not falsely imprison plaintiff.

4. Each defendant knew or had reason to know, upon information and belief, that such violations were occurring and had a realistic opportunity to intervene to prevent such violations from occurring.

5. As a consequence of defendants, Officer CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10 wrongful actions, negligent behavior and violation of Federal

and State Law, plaintiff was falsely arrested and deprived of his freedom for a period of time, and suffered physical and emotional injuries, and was subjected to great fear and terror, and has continued to suffer physical pain and impairment, as a result of the aforesaid conduct by defendants, Officer CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ and/or JOHN DOES 1-10.

WHEREFORE, the plaintiff, EBIN SOSA, demands judgment against the Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE, POLICE INVESTIGATOR E. RUIZ, and John Does 1-10, jointly, severally and or in the alternative for damages together with interest and cost of suit.

#### **FIFTH COUNT**

1. Plaintiff, EBIN SOSA, repeats each and every allegation of paragraphs 1-9, First, Second, Third and Fourth, Counts and incorporates same herein as if repeated at length.
2. The Defendant(s) John Does 1-10, at all times mentioned herein, owned, leased or controlled, the instrumentalities of the damages complained of herein or who otherwise is liable for the damages complained of herein. The plaintiffs reserve their rights to amend this complaint to implead the actual names of such persons and/or business entities should the identities and/or liability of same be revealed during the course of discovery herein.
3. As a result of the negligence of the Defendant(s) John Does 1-10, Plaintiff, EBIN SOSA, sustained severe and grievous personal injuries of a permanent nature and did and in the future will experience great pain and suffering as a result of said injuries. Plaintiff, EBIN SOSA, has been and will in the future be compelled to expend great sums of monies in securing medical treatment in an effort to cure himself of said injuries. Plaintiff, EBIN SOSA, was and in the future will be unable to perform his normal occupations.

WHEREFORE, Plaintiff, EBIN SOSA, hereby demands judgment against the Defendants, JOHN DOES 1-10, for damages with interest and costs of suit.

#### **SIXTH COUNT**

1. Plaintiff, EBIN SOSA, repeats each and every allegation of paragraphs 1-9, First, Second, Third Fourth and Fifth, Counts and incorporates same herein as if repeated at length.

WHEREFORE, Plaintiff, EBIN SOSA, hereby demands judgment against the Defendants, THE CITY OF CAMDEN, CAMDEN CITY POLICE DEPARTMENT and/or CAMDEN COUNTY POLICE DEPARTMENT, POLICE OFFICER CHRISTOPHER EIFE and POLICE INVESTIGATOR E. RUIZ, and JOHN DOES 1-10 for damages jointly, severally and/or in the alternative, together with interest and costs of suit.

**PRAYER FOR RELIEF**

Plaintiff requests judgment on all counts of this complaint as follows:

1. First through Fourth Counts: in excess of \$1,000,000.00 in compensatory damages;
2. Attorney fees pursuant to 42 U.S.C. 1998 and any and all other statutory and/or common law provisions;
3. Punitive damages in an amount to be determined at trial.
4. A declaratory judgment that defendants willfully violated plaintiffs rights secured by Federal and State laws as alleged herein.

  
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GEORGE G. HORIATES, ESQUIRE  
Attorney for Plaintiffs

PLAINTIFFS HEREBY DEMANDS A TRIAL BY JURY AS TO ALL ISSUES.

**CERTIFICATION**

I, GEORGE G. HORIATES, ESQUIRE, of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and represent the Plaintiff(s) in the within action.
2. To the best of my knowledge, information and belief, this matter is not the subject of any pending action in any court nor any pending Arbitration proceeding.

I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

1/10/14

  
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GEORGE G. HORIATES, ESQUIRE  
Attorney for Plaintiffs